

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JULIUS CARTER ANDERSON,

Plaintiff,

No. CIV S-03-0817 MCE KJM P

vs.

W. HARTLEY, et al.,

Defendants.

ORDER

Plaintiff requests the appointment of counsel. The United States Supreme Court has ruled that district courts lack authority to require counsel to represent indigent prisoners in § 1983 cases. Mallard v. United States Dist. Court, 490 U.S. 296, 298 (1989). In certain exceptional circumstances, the court may request the voluntary assistance of counsel pursuant to 28 U.S.C. § 1915(e)(1). Terrell v. Brewer, 935 F.2d 1015, 1017 (9th Cir. 1991); Wood v. Housewright, 900 F.2d 1332, 1335-36 (9th Cir. 1990). In the present case, the court does not find the required exceptional circumstances. Plaintiff's request for the appointment of counsel will therefore be denied.

Plaintiff also requests an extension of time to file an opposition to defendants' December 1, 2006 motion for summary judgment. Good cause appearing, plaintiff's request will be granted.

1 Plaintiff requests that the court order the California Department of Corrections  
2 and Rehabilitation (CDCR) provide plaintiff with a computer-based word processor due to  
3 physical problems making it difficult for plaintiff to write or use a typewriter. The court notes  
4 that plaintiff's motion was typewritten by another inmate. Also, plaintiff has not indicated that  
5 he has asked CDCR officials for access to a computer-based word processor. In light of these  
6 facts, and the fact that plaintiff has not adequately explained why he needs a computer based  
7 machine instead of a typewriter to pursue this action, his request will be denied.

8 Finally, plaintiff asks that the court "issue an additional order directing defendants  
9 to allow plaintiff to secure legal copies, research materials to enable preparation of motions,  
10 objections and responses to defendants and the court." However, plaintiff has not shown how  
11 the issuance of such an order is necessary for plaintiff to pursue this action. This request will be  
12 denied.

13 Good cause appearing, IT IS HEREBY ORDERED that:

- 14 1. Plaintiff's July 5, 2007 request for the appointment of counsel is denied.
- 15 2. Plaintiff's July 5, 2007 motion for an extension of time is granted.
- 16 3. Plaintiff is granted fifteen days from the date of this order in which to file and  
17 serve his opposition to defendants' December 1, 2006 motion for summary judgment.  
18 Defendants' reply, if any, shall be filed seven days thereafter.
- 19 4. Plaintiff's request that the court order that the California Department of  
20 Corrections provide him with a computer-based word processor is denied.
- 21 5. Plaintiff's request that the court order defendants provide plaintiff with "legal  
22 copies from law books," and "research materials" is denied.

23 DATED: August 16, 2007.

24   
25 U.S. MAGISTRATE JUDGE  
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